



FH  
[REDACTED]

**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

CCB/173860

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 23, 2016, under Wis. Admin. Code § HA 3.03(4), to review a decision by the Shawano County Department of Human Services ["County"] in regard to Child Care ["CC"], a Hearing was held via telephone from Madison, Wisconsin on June 14, 2016.

The issue for determination is whether it was correct to deny petitioner's February 25, 2016 application for Wisconsin Works ["W2"] CC.

There appeared at that time via telephone the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Children and Families  
201 East Washington Avenue  
Madison, Wisconsin 53703

BY: [REDACTED] ES Supervisor  
Shawano County Department of Human Services  
607 Elizabeth Street  
Shawano, Wisconsin  
54166-3105

**ADMINISTRATIVE LAW JUDGE:**

Sean P. Maloney  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Shawano County, Wisconsin.

2. On February 25, 2016 petitioner applied for CC.
3. Petitioner received a letter dated March 2, 2016 entitled *Notice of Proof Needed*; that March 2nd letter requested verification of income; the verification was due March 10, 2016.
4. On March 10, 2016 the County received an *Employer Verification of Earnings* form showing that petitioner's rate of pay was \$9.10 per hour.
5. On March 10<sup>1</sup>, 2016 the County received a *Change Report* form showing that petitioner's rate of pay was \$9.20 per hour.
6. The rate of pay on the *Employer Verification of Earnings* and the *Change Report* did not match; this caused the County to again request verification of income.
7. Petitioner received a letter dated March 14, 2016 entitled *Notice of Proof Needed*; that March 14th letter again requested verification of income; the verification was due March 23, 2016.
8. On March 18, 2016 the County told petitioner via telephone that verification of income was not yet received; petitioner never provided any additional verification of income.
9. The County denied petitioner's February 25, 2016 CC application because the requested verification was not provided by the March 23, 2016 deadline.

### **DISCUSSION**

In this case the County agency had contradictory information concerning petitioner's rate of pay. When an agency receives contradictory information regarding any of the eligibility criteria, the agency should request documentation to substantiate the applicant's claim and allow the applicant 7 business days to obtain such documentation. *Wisconsin Shares Child Care Subsidy Policy Manual* ["CC Manual"] 1.6.10.

No eligibility exists for CC when an individual has the power to produce required verification but refuses or fails to do so. Wis. Admin. Code § DCF 101.11(3) (October 2015); see also, Wis. Stat. § 49.155(1m)(d) (2013-14). The Wisconsin Shares child care assistance applicant has the primary responsibility for providing verification and resolving questionable information. CC Manual 1.6.1. The applicant or participant has 7 working days from the date the verification request is made to provide the needed verification. The participant must be informed in writing of the verification items required, including the due date. If the applicant is able to produce the information, but refuses or fails to do so, he or she is not eligible and the case must be denied or closed. *Wisconsin Works (W-2) Manual* ["W2 Manual"] 4.1.3; CC Manual 1.6.6. & 1.6.9.

Petitioner did not provide the requested verification by the March 23rd deadline. Therefore, it was correct to deny petitioner's February 25<sup>th</sup> application for CC. Petitioner may reapply for CC if she wishes to do so.

Petitioner testified that the County should have contacted her employer. If the applicant has made a reasonable effort and cannot obtain the information, the agency must assist the applicant in obtaining the verification. CC Manual 1.6.8. However, there is no indication that petitioner made a reasonable effort to obtain the required verification. Further, petitioner never indicated to the County that she was unable to

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<sup>1</sup> Testimony at the June 14, 2016 Hearing was that the *Change Report* was provide to the County on March 24, 2016. However, the *Change Report* that is part of the record of this matter is dated stamped "received" by the County on March 10, 2016.

get the required verification or that she needed assistance. The County cannot assist petitioner in obtaining verification if it is not informed that assistance is needed.

### **CONCLUSIONS OF LAW**

For the reasons discussed above, it was correct to deny petitioner's February 25, 2016 application for CC.

**NOW, THEREFORE, it is ORDERED**

that the petition for review herein be and the same is hereby DISMISSED.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Children and Families. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 201 East Washington Avenue, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

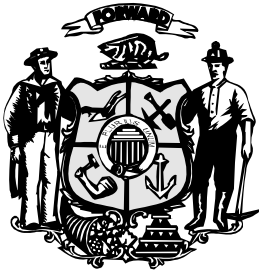
The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,  
Wisconsin, this 5th day of 2016

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\sSean P. Maloney  
Administrative Law Judge  
Division of Hearings and Appeals





**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on July 5, 2016.

Shawano County Department of Social Services  
Child Care Benefits